

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LEOPOLDO CARDENAS,

Plaintiff,

v.

ELDON VAIL, *et al.*,

Defendants.

Case No. C09-5602RJB

ORDER DENYING MOTION
FOR RECONSIDERATION

This matter comes before the Court on Plaintiff's Motion for Reconsideration and to Correct the Record of the Court's Order Adopting Report and Recommendation. Dkt. 38. The Court has considered the motion and the file herein.

On April 15, 2010, this Court adopted the Report and Recommendation of U.S. Magistrate Judge J. Richard Creatura, and denied Plaintiff's motion for default. Dkt. 34. The matter was re-referred to the Judge Creatura for further proceedings. *Id.*

On May 17, 2010, Plaintiff filed the instant motion for reconsideration. Dkt. 38. In this pleading, Plaintiff states that he assumed that since the Court ordered all defendants, including the two Canadian defendants, Canusa Products and Robert Kennedy Publishing, be served by mail or personally, that they were served. *Id.* He states that when the two Canadian defendants failed to appear, he felt that he was entitled to a default judgment against them. *Id.* Plaintiff moves the Court for reconsideration of the Order Adopting the Report and Recommendation. *Id.*

Western District of Washington Local Rule Civil Procedure 7(h) provides:

(1) Standard. Motions for reconsideration are disfavored. The court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence.

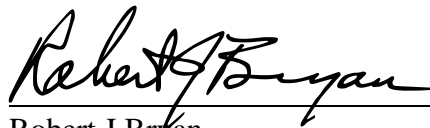
(2) Procedure and Timing. A motion for reconsideration shall be plainly labeled as such. The motion shall be filed within fourteen days after the order to which it relates is filed. The motion shall be noted for consideration for the day it is filed. The motion shall point out with specificity the matters which the movant believes were overlooked or misapprehended by the court, any new matters being brought to the court's attention for the first time, and the particular modifications being sought in the court's prior ruling. Failure to comply with this subsection may be grounds for denial of the motion. The pendency of a motion for reconsideration shall not stay discovery or any other procedure.

Plaintiff's motion for reconsideration of the Order Adopting the Report and Recommendation (Dkt. 34), should be denied. Plaintiff has not made any "showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to [the Court's] attention earlier with reasonable diligence." Plaintiff makes no showing that this Court has jurisdiction over those foreign defendants such that a default judgment may be entered against them. His motion should be denied.

Therefore, it is hereby **ORDERED** that:

- Plaintiff's motion for reconsideration (Dkt. 38) is **DENIED**; and
- The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any party appearing *pro se* at said party's last known address.

DATED this 21st day of May, 2010.



Robert J Bryan
United States District Judge